

**ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOHN MAUZY PITTMAN, CHIEF JUDGE
DIVISION III**

CACR06-78

January 24, 2007

BRENT MCJUNKINS	APPELLANT	APPEAL FROM GRANT COUNTY CIRCUIT COURT [NO. CR-05-76-2]
V.		HON. PHILLIP H. SHIRRON, JUDGE
STATE OF ARKANSAS	APPELLEE	AFFIRMED; MOTION TO WITHDRAW GRANTED

Brent McJunkins was convicted in district court of obstructing governmental operations and an open burn violation, for which he was fined \$520. His appeal to circuit court was dismissed because it was filed more than thirty days after the district court judgment and the circuit court never obtained jurisdiction. *See* Ark. Dist. Ct. R. 9; *Kersh v. State*, 56 Ark. App. 39, 938 S.W.2d 569 (1997) (Rule 9 applies to both civil and criminal appeals).¹ He now appeals the order of dismissal.

¹As of June 1, 2006, well after all relevant filings in this case, new Ark. R. Crim. P. 36 governs criminal appeals from district court to circuit court.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Ark. Sup. Ct. R. 4-3(j), appellant's counsel has filed a motion to withdraw on grounds that the appeal is wholly without merit. The motion is accompanied by an abstract and addendum of the proceedings below, including all objections and motions decided adversely to appellant, and a brief in which counsel explains why there is nothing in the record that would support an appeal. The clerk of this court provided appellant with a copy of his counsel's brief and notified him of his right to file a pro se statement of points for reversal within thirty days. Appellant did not file a statement.

From our review of the record and the brief presented to us, we find compliance with Rule 4-3(j) and that the appeal is wholly without merit. Accordingly, counsel's motion to withdraw is granted, and the order of dismissal is affirmed.

GLADWIN and ROBBINS, JJ., agree.